

Commission (hereinafter the Commission) for processing complaints of discrimination filed under section 321 of the Government Employee Rights Act, 2 U.S.C. 1220.

### Subpart A—Administrative Process

#### § 1603.101 Coverage.

Section 321 of the Government Employee Rights Act of 1991 applies to employment, which includes application for employment, of any individual chosen or appointed by a person elected to public office in any State or political subdivision of any State by the qualified voters thereof:

- (a) To be a member of the elected official's personal staff;
- (b) To serve the elected official on the policymaking level; or
- (c) To serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

#### § 1603.102 Filing a complaint.

(a) *Who may make a complaint.* Individuals referred to in § 1603.101 who believe they have been discriminated against on the basis of race, color, religion, sex, national origin, age or disability or retaliated against for opposing any practice made unlawful by federal laws protecting equal employment opportunity or for participating in any stage of administrative or judicial proceedings under federal laws protecting equal employment opportunity may file a complaint not later than 180 days after the occurrence of the alleged discrimination.

(b) *Where to file a complaint.* A complaint may be filed in person, by mail or by facsimile machine to any Commission office or with any designated agent or representative of the Commission. The addresses of the Commission's District, Field, Area and Local offices appear in 29 CFR 1610.4.

(c) *Contents of a complaint.* A complaint shall be in writing, signed and verified. In addition, each complaint should contain the following:

- (1) The full name, address and telephone number of the person making the complaint;
- (2) The full name and address of the person, governmental entity or polit-

ical subdivision against whom the complaint is made (hereinafter referred to as the respondent);

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practices (See 29 CFR 1601.15(b)); and

(4) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State or local FEP agency charged with the enforcement of fair employment practice laws and, if so, the date of such commencement and the name of the agency.

(d) *Amendment of a complaint.* Notwithstanding paragraph (c) of this section, a complaint is sufficient when the Commission receives from the person making the complaint a written statement sufficiently precise to identify the parties and to describe generally the alleged discriminatory action or practices. A complaint may be amended to cure technical defects or omissions, including failure to verify the complaint, or to clarify and amplify its allegations. Such amendments, and amendments alleging additional acts that constitute discriminatory employment practices related to or growing out of the subject matter of the original complaint, will relate back to the date the complaint was first received. A complaint that has been amended after it was referred shall not be again referred to the appropriate state or local fair employment practices agency.

(e) *Misfiled complaint.* A charge filed pursuant to 29 CFR part 1601 or part 1626, that is later deemed to be a matter under this part, shall be processed as a complaint under this part and shall relate back to the date of the initial charge or complaint. A complaint filed under this part that is later deemed to be a matter under 29 CFR part 1601 or part 1626 shall be processed as a charge under the appropriate regulation and shall relate back to the date of the initial complaint.

[62 FR 17543, Apr. 10, 1997, as amended at 71 FR 26829, May 9, 2006]

#### § 1603.103 Referral of complaints.

- (a) The Commission will notify an FEP agency, as defined in 29 CFR